

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

# JOHNNY THOMAS,

**Plaintiff,**

**VS.**

**HY-VEE, INC.,**

**Defendant.**

8:06CV511

## ORDER

This matter is before the court on the Defendant's Motion for Extension of Time to File a Motion for Summary Judgment [45]. Defendant seeks an extension of 45 days from the date of the court's ruling on defendant's pending Motion to Dismiss [40] to file a motion for summary judgment, if the case is not dismissed. For good cause shown,

**IT IS ORDERED:**

1. The Motion for Extension [45] is granted.
2. The defendant shall have forty-five (45) days from the date of the court's ruling on Defendant's Motion to Dismiss for Lack of Prosecution [40] to file a motion for summary judgment.
3. In all other respects, the date settings reflected in the Final Progression Order [27] shall remain in effect.

**DATED May 8, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**